IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8807 of 2005

Between:

C.Balasubramanyam, s/o Late C.Chandrasekhar,
r/o Plot No.109, Road No.9, Trimurthy Colony, Secunderabad.

..... PETITIONER

AND

1 The Deputy Commissioner of Police, North Zone, o/o The Dy.Commissioner of Police, Secunderabad Court Complex, Secunderabad.
2 The Asst.Commissioner of Police, North Zone, o/o The Dy.Commissioner of Police, Secunderabad Court Complex, Secunderabad.
3 The Inspector of Police, Thukaramgate Police Station, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in not 'registering' the complaints dated 27-01-2005 and 25-03-2005 submitted by the petitioner, as illegal, arbitrary, unconstitutional and violative of Fundamental Rights guaranteed as per law and consequently direct the respondents to 'register' the complaints of the petitioner.

Counsel for the Petitioner:MR.M.NAGA RAGHU

Counsel for the Respondent Nos 1 to 3: GP FOR HOME

The Court at the stage of admission made the following :

ORDER:

This Writ Petition is filed to declare the action of the respondents in not registering the complaints dated 27-01-2005 and 25-03-2005 made by the petitioner as illegal, arbitrary and consequently to direct the respondents to register the complaints of the petitioner.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The counsel for the petitioner submits that the petitioner is a businessman. The petitioner was falsely implicated in a Crime No.140 of 2004, registered by the Malkajgiri Police Station, Ranga Reddy District in a murder case of Mr.Bhaskar Narayana, Chairman of Neela Krishna Cooperative Bank and he was sent to judicial custody on 14-05-2004 and he was released on bail on 6-8-2004. On 4-5-2004 the petitioner was hospitalized due to mild stroke and after some time, he was discharged and was advised bed rest. Taking advantage of his health condition, one Mr.M.Chalapathi Rao, Mr.Venkata Sai Kumar ,Mr.Gandhi and their henchmen threatened the petitioner and his family members with dire consequences and acted

high handedly and forcibly took them to Registrar Office and got registered the properties of the petitioner in their favour vide document No.5311/04, dated 12.5.2004 and as soon as the petitioner was released from the judicial custody, he made complaints to the respondent No.3 to take appropriate action against the said persons .Though the respondents received and acknowledged the complaint, they have not initiated any action. Again on 27-1-2005 the petitioner lodged a complaint with the respondent No.3 to provide necessary protection as there is a threat from one Mr.Gandhi, Surender Reddy, M.Chalapathi Rao and others. The respondent No.3 has received and acknowledged the complaint, but, till date no action has been taking against them.

Having regard to the facts and circumstances of the case, the writ petition is disposed of with a direction to the respondents to register the complaints lodged by the petitioner on 27-01-2005 and 25-03-2005 and investigate the same in accordance with law within a period of six weeks from the date receipt of a copy of this order. No order as to costs.

Elipe Dharma Rao, J

25-04-2005

Stp

To

1 The Deputy Commissioner of Police, North Zone, o/o The Dy.Commissioner of Police, Secunderabad Court Complex, Secunderabad.
2 The Asst.Commissioner of Police, North Zone, o/o The Dy.Commissioner of Police, Secunderabad Court Complex, Secunderabad.
3 The Inspector of Police, Thukaramgate Police Station, Secunderabad.

4.Two CCs to G.P. for Home, High Court of A.P.,Hyderabad. (OUT)

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